

Applicant: DeWolf et al.
Serial No. 09/740,568
Filed: December 18, 2000
Reply to Non-Final Office Action of August 28, 2006

Remarks

Status

Claims 1-5, 7-9, 13-14, 17-19, 21-22, 24-25, 27-29, 31-33, 35, 37-38, 42-43, 46-48, 50-52, 54-61, 64-71, 74, 76-79, and 81-89 are pending. By this amendment, claims 1, 21, 28, 52, 55, and 85 have been amended, claim 87 has been cancelled without prejudice and new claim 90 has been added.

Applicant notes the withdrawal of the prior art rejections under 35 USC 102 and 103 and acknowledges current rejections under 35 USC 101. The Examiner's rejection's are addressed and traversed below, and reconsideration is respectfully requested. With this amendment, including the remarks and discussion herein, Applicant believes the application is in condition for allowance.

Claim Objections

Claims 1, 21, and 28 have been amended to overcome the objections to those and the dependent claims. Specifically, "the asset" recited in the assigning step of claim 1 does properly co-relate to the term 'an asset' in the preamble; the duplicative "is" of claim 21 has been deleted; and "the data" of claim 28 has been amended to "the information", and thereby has positive antecedent basis.

Claim 85 has been amended to recite that the computer readable memory actually executes to carry out the steps of the method of claim 1 and is thereby proper. Claim 87 has been cancelled without prejudice.

Rejections Under 35 101

Claims 1-5, 7-9, 13-14, 17-19, 21-22, 24-25, 27-29, 31-33, 35, 37-38, 42-43, 46-48, 50-52, 54-61, 64-71, 74, 76-79, and 81-89 have been rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter; because it allegedly "does not produce a tangible result". Examiner alleges that no "real world result" is produced. Applicant

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traverses the rejections and respectfully submits that the claims are statutory in that that the steps of: 1) providing access to the entities to the attributes and 2) managing the read and write privileges, and allocating them do accomplish a tangible and concrete result, i.e., that of assigning various access privileges to asset attributes to various entities, thus enabling certain entities to write attribute data into the registry and allowing other entities to only read attribute data within the registry. The specification teaches numerous ways in how such a method or system is useful, practical, concrete and tangible. Furthermore, the allocation of read and write privileges to the various interested entities so that they can write data or read data relating to asset attributes, thereby changing the asset record or accessing the attribute record based on their privilege allocation clearly accomplishes useful, concrete, and tangible results as detailed in the specification. For example, the status of the asset, including changes to the asset and its attributes, e.g., ownership, repair history, insurance status, value, etc. can be maintained throughout the life of an asset, via the granting to various interested parties access to the asset record attributes, for instance who can write data to the asset record thereby updating specific attributes of the asset (owner, repair organization, manufactures etc), or who can read data related to the asset (e.g., potential buyer, insurer, law enforcement, etc). The asset registry provides, inter alia, for a cumulative and up-to-date record of an asset to be maintained throughout the life of the asset and further provides that each interested party that has an interest in the asset has a means to access and update the asset data as appropriate on an ongoing basis. These results are clearly concrete and tangible and such results flow inherently from the claim limitation, for example, the allocation of a write privilege to an entity changes the state of the asset record and provides the capability of the entity to write (change) the asset record, a capability that did not exist prior to the allocation of the privilege. Similarly, the allocation of a read privilege to an entity allows that entity to read asset attribute data, that the entity was unable to read prior to the allocation of the privilege.

The most recent 101 rejection was based on the "Interim Guidelines on Subject Matter Eligibility" specifically requiring that the claimed invention produce a "tangible result". The present invention clearly produces a tangible result as stated above, i.e., the providing access and managing access privileges to asset information. Moreover, the claims under

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examination are not one of the "judicial exceptions", but are members of the statutory classes, i.e., claim 1 is a process, claim 2 is an apparatus (system) etc. The "Interim Guidelines" directs that the determination of whether or not the invention produces a tangible result should be carried out only IF it is NOT one of the four statutory classes and is one of the "judicial exceptions". This is not the case here.

Nevertheless, as the "Interim Guidelines" state with regard to the test for tangible result:

"The third and final factor in this test for practical application is a determination of whether the claimed invention produces a tangible result. The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus, or must operate to change articles or materials to a different state or thing. To be tangible the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result."

"If the result is merely a thought, this is not a tangible or real-world result. For example, merely determining or calculating a price may not be held to be a tangible result, instead reasonably being interpreted as just a thought or a computation within a processor; however, calculating a price of an item to sell and then conveying the calculated price to a potential customer would be a tangible result."

As clear from the above guidelines, the tangible requirement does not mean that articles themselves must be changed, but only that a real world result is produced. The invention as claimed clearly produces a real-world result by allocating specific privileges to asset attributes and providing the means for those attributes to be written to (changed) or read, and further by providing for up-to-date electronically accessible attribute specific asset records. Applicant does not concede that the Interim Guidelines referenced above constitute the state of the law with respect to 35 USC 101, but references it because of its reliance by the Office in the current rejection and

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in order to facilitate prosecution. Withdrawal of the rejection is requested.

Conclusion

For all the reasons discussed above, Applicant believes that all rejections have been overcome and submits that the application is in condition for allowance and requests a timely Notice of Allowance be issued.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made may not be exhaustive, there may be reasons for patentability of any or all pending claims (or others) that have not been expressed. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

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